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**TELEFAX****NOVARTIS PHARMACEUTICALS CORPORATION FAX RECEIVED**  
Summit, N.J.Patents and Trademarks Department  
Fax No. 908-522-6955

AUG 12 2002

GROUP 1600

TO: U.S. Patent and Trademark  
Office

DATE: August 12, 2002

**OFFICIAL**TOTAL PAGES BEING SENT: 10  
(including cover page)

ATTN: Ex. Patricia Morris

Fax No.: (703) 308-4556

FROM: Joseph Borovian

RE: U.S. Application No. 09/699,765  
(Our Case No. 4-20918B/N1)**Match & Return**

Dear Examiner Morris,

Reference is hereby made to your "voice mail" message of August 6<sup>th</sup> wherein you indicated that you had overlooked the fact that one of the significances of the "R<sub>3</sub>" substituent in Claims 15-17 embraced non-examined subject matter and that certain of the specific compounds in Claim 8 were outside the scope of the examined subject matter. In addition, you indicated that you would favorably consider an Amendment Under 37 CFR 1.312 which excluded non-examined subject matter from the "allowed" scopes of Claims 8 and 15-17. Accordingly, accompanying this telefax is an Amendment Under 37 CFR 1.312 wherein Claims 8 and 15-17 have been amended to exclude non-examined subject matter.

Your prompt and favorable consideration in this matter would be greatly appreciated.

Respectfully yours,

  
Joseph Borovian

Accomp.: as noted above